

SECOND REGULAR SESSION

SENATE BILL NO. 926

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4155S.01I

AN ACT

To repeal sections 60.580 and 327.371, RSMo, and to enact in lieu thereof two new sections relating to land surveyors.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 60.580 and 327.371, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 60.580 and 327.371, to
3 read as follows:

60.580. 1. The state land surveyor or any and all employees of the
2 department of natural resources have the right to enter upon private property for
3 the purpose of making surveys, or for searching for, locating, relocating, or
4 remonumenting land monuments, leveling stations, or section corners. Should
5 any of these persons necessarily damage property of the owner in making the
6 surveys or searches or remonumentations, the department of natural resources
7 may make reasonable payment for the damage from funds available for that
8 purpose. However, department of natural resources employees are personally
9 liable for any damage caused by their wantonness, willfulness or negligence. All
10 department of natural resources employees are immune from arrest for trespass
11 in performing their legal duties as stated in sections 60.500 to 60.610.

12 2. The state land surveyor or an employee of same shall provide
13 notice to a landowner upon whose land it is necessary for the surveyor
14 to enter or cross. Notice provided as follows meets the requirement of
15 this subsection:

16 (1) Written notice delivered by hand to the landowner or to the
17 residence of the landowner upon whose land the surveyor may enter or
18 cross, delivered at least twenty-four hours prior to the surveyor's
19 entering the land; or

20 (2) Written notice mailed by first-class mail to the landowner

21 **upon whose land the surveyor may enter or cross, postmarked at least**
22 **five days prior to the surveyor entering the land. The surveyor may rely**
23 **on the address of the landowner as contained in the municipal property**
24 **tax records or their equivalent.**

327.371. 1. A professional land surveyor licensed pursuant to the
2 provisions of this chapter, together with such professional land surveyor's survey
3 party, who in the course of a land survey finds it necessary to go upon the land
4 of a party or parties other than the one for whom such professional land surveyor
5 is making the survey shall not be guilty of trespass but shall be liable for any
6 damage done to such lands or property.

7 **2. A professional land surveyor provide notice to a landowner**
8 **upon whose land it is necessary for the professional land surveyor to**
9 **enter or cross. Notice provided as follows meets the requirement of this**
10 **subsection:**

11 **(1) Written notice delivered by hand to the landowner or to the**
12 **residence of the landowner upon whose land the surveyor may enter or**
13 **cross, delivered at least twenty-four hours prior to the surveyor entering**
14 **the land; or**

15 **(2) Written notice mailed by first-class mail to the landowner**
16 **upon whose land the surveyor may enter or cross, postmarked at least**
17 **five days prior to the surveyor entering the land. The surveyor may rely**
18 **on the address of the landowner as contained in the municipal property**
19 **tax records or their equivalent.**

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